IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Crl.MC.No. 3862 of 2003(C)

CRIME NO. 251 OF 1984 OF MUSEUM POLICE STATION)

PETITIONER: ACCUSED NO.5:

T.CHANDRAN,
RETD. CHIEF ARCHITECT, A.122, KRISHNA PRIYA,
KANAKA NAGAR, KAWDIAR, TRIVANDRUM.

BY ADV. .
SRI.S.RAJEEV
SRI.S.SREEKUMAR
SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT:

STATE - REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM (CRIME NO.251/84
OF MUSEUM POLICE STATION, NOW RE-NUMBERED AS
CRIME NO.20/CR/88-CB CID).

BY PUBLIC PROSECUTORMR. AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C.NO. 3862 OF 2003-C

DATED THIS THE 31ST July 2007

ORDER

The petitioner is the 5th accused in C.C.No.57/2003 in the file of the Judicial First Class Magistrate-V. Thiruvananthapuram with respect to the offences under Sections 337, 338 and 304(A) I.P.C. The contention is that the incident has taken place on 10-10-1984 and the case was also registered on the above date and the final report has been filed on 1-1-2003 and taken on file by the Magistrate on 3-1-2003. The contention is that the initiation of proceedings is barred by limitation vide Section 468(2)(c) Cr.P.C. I find that the main offence, i.e. Section 304(A) I.P.C. is punishable with the maximum sentence for two years. Hence, the proceedings initiated is hopelessly barred by limitation. There is no case that the delay was explained and the court applied its mind and condoned the same. Hence, the proceedings pending as C.C.No.57/2003 in the Court of the Judicial First Class Magistrate-V, Thiruvananthapuram is herewith quashed. The Crl.M.C. is allowed.

K.R.UDAYABHANU, JUDGE

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